

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re:

417 Rentals, LLC

Debtor.

Case # 17-60935-11
Chapter 11

**AMENDED MOTION FOR AUTHORITY TO SELL REAL ESTATE
FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES
PURSUANT TO 11 U.S.C. § 363(b),(f),(h), and (m)**

COMES NOW, 417 Rentals, LLC, Debtor, and for its Amended Motion for Authority to Sell Real Estate Free and Clear of all Liens, Claims and Encumbrances, pursuant to 11 U.S.C. §363(b),(f),(h) and (m), states:

I.

Jurisdiction and Venue

1. On August 25, 2017 (the “Petition Date”) , the Debtor filed its Voluntary Petition for Relief pursuant to *Chapter 11* of *Title 11* of the *United States Code*. Since that time, the Debtor has remained in possession of its assets and has operated its business as a Debtor-in-Possession.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A),(N) and (O).

3. Venue in this case is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

II.

Background

4. The Debtor’s assets consist of 565 rental units, many of which are single family dwellings. These properties are located in the Springfield, Missouri area. There are 15 lenders whose liens encumber most of the properties. The Debtor’s reorganization plan will seek to refinance certain properties and sell the remaining properties.

III.
The Sales

5. Among the Debtor's assets are 54 properties consisting of single family dwellings, all of which are encumbered by Deeds of Trust on behalf of Central Bank of the Ozarks (Bank). A description of each property subject of the sale, together with the information concerning the loan balance, interest rate, taxes and insurance, are included in the table attached hereto, made a part hereof, and marked **Exhibit A**.

6. The Debtor has entered into a contract, subject to Court approval, with H&M Properties and Sign Investments, LLC (Purchaser) to purchase the 54 properties for the sum of \$1,100,000.00, a copy of the contract is attached hereto, made a part hereof, and marked **Exhibit B**.

7. The Debtor does not now, nor has it ever had, any personal or business relationship with the Purchaser, other than these sales.

8. The property has been listed for sale since May 2017 and since that date there have been no competing offers to purchase.

9. The property subject of the sale is not necessary for an effective reorganization.

IV.
Relief Requested

10. The Debtor requests authority pursuant to *11 U.S.C. § 363(f)* to sell the properties described in **Exhibit A** free and clear of all liens, encumbrances, claims and interests, with such liens, encumbrances, claims and interests to attach to the sale proceeds in the order of priority.

WHEREFORE, 417 Rentals, LLC, Debtor herein, prays the Court for an order authorizing the sale of the 54 properties described in **Exhibit A**, and that the proceeds be applied

as follows:

- (a) First, to the payment of expenses of the sale;
- (b) Second, to pay any real estate taxes and assessments outstanding and unpaid at the time of the sale;
- (c) Third, the sum of \$900,000.00 to be paid to the Central Bank of the Ozarks in full satisfaction of the indebtedness owed it by the Debtor;
- (d) Fourth, the balance to be paid to the Debtor's estate; and
- (e) That the Court order such other and further relief as is just and proper.

Respectfully submitted,

BERMAN, DeLEVE, KUCHAN & CHAPMAN, LLC

By: /s/ Ronald S. Weiss

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that the foregoing Motion was electronically filed with the Clerk of the Bankruptcy Court on this 28th day of December, 2017 and was served electronically on those parties receiving electronic notice through the Court's CM/ECF system, with an identical copy delivered by First Class, United States Mail, postage pre-paid to the following:

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